

## **M E M O R A N D U M**

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: August 17, 2004

SUBJECT: Alfred J. Kiefer, Jr. – Apparent Failure to File Personal Financial Affairs Statement, PDC Case 04-656

### **LAW**

**RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts**, states in part: “(1) Every elected official and every executive state officer shall after January 1<sup>st</sup> and before April 15<sup>th</sup> of each year file with the commission a statement of financial affairs for the preceding calendar year...”

**RCW 42.17.241** details the content required in each report.

### **FACTS**

**Summary:** Alfred J. Kiefer, Jr. is a Fire Commissioner for Whatcom County Fire Protection District No. 10. His term of office ends in the year 2009. Mr. Kiefer held office during 2003 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2004. On May 7, 2004, Mr. Kiefer was sent a letter informing him that the F-1 report due by April 15, 2004 had not been received. The letter stated that he needed to file before May 21, 2004 to avoid the possibility of enforcement. The F-1 report has not been received.

**Past History** – In 2002, in Case #02-466, Mr. Kiefer was a Fire Commissioner in Whatcom County Fire Protection District No. 10. He was required to file a Statement of Financial Affairs by April 15, 2002. The F-1 was not filed. A brief enforcement hearing was held and Mr. Kiefer

was found in violation of RCW 42.17.240 and was assessed a civil penalty of \$150. The penalty has not been paid, and on January 9, 2003, the case was sent to the Attorney General's Office for further action.

In 2003, in Case #03-342, Mr. Kiefer was a Fire Commissioner in Whatcom County Fire Protection District No. 10. He was required to file a Statement of Financial Affairs by April 15, 2003. The F-1 was not filed. A brief enforcement hearing was held and Mr. Kiefer was found in violation of RCW 42.17.240 and was assessed a civil penalty of \$300. The penalty has not been paid.

Also in 2003, in Case #04-130, Mr. Kiefer was a candidate for re-election to the position of Fire Commissioner. He ran unopposed and was elected. As a candidate, Mr. Kiefer was required to file a Statement of Financial Affairs within two weeks of becoming a candidate. The F-1 report was not filed, and at a brief enforcement hearing, the Presiding Officer asked that the full Commission hear the case. On December 10, 2003, the full Commission heard the case and found Mr. Kiefer in violation of RCW 42.17.240, assessing a civil penalty of \$1,000. Mr. Kiefer participated in that hearing by telephone. The Commission suspended \$500 of the penalty on the condition that Mr. Kiefer pays all outstanding penalties within 30 days of the date of the Order. On February 24, 2004, the Commission determined that Mr. Kiefer violated the terms for receiving a suspended penalty and revoked the suspension, making the entire \$1,000 penalty due. Mr. Kiefer owes outstanding penalties totaling \$1,450.

### **CONCLUSION AND RECOMMENDATION**

Alfred J. Kiefer, Jr. is a Fire Commissioner for Whatcom County Fire Protection District No. 10. His term of office ends in the year 2009. He has been found in violation on three prior occasions for not filing a Statement of Financial Affairs, and has outstanding penalties of \$1,450. In 2004, as a Fire Commissioner for Whatcom County Fire Protection District No. 10, Mr. Kiefer has

again failed to file the annual Statement of Financial Affairs that is required to be filed by April 15, 2004.

On July 19, 2004, Vicki Rippie, Executive Director of the Public Disclosure Commission, filed a complaint, alleging that Mr. Kiefer has apparently failed to file the annual Statement of Financial Affairs due by April 15, 2004. Mr. Kiefer was sent a copy of the complaint and was asked to provide a written response, and to appear at the offices of the Public Disclosure Commission to be interviewed by PDC staff. Mr. Kiefer did not provide a written response to the complaint nor did he appear for the scheduled interview. In all the years that Mr. Kiefer has been required to file a Statement of Financial Affairs, the Public Disclosure Commission has yet to receive a Statement of Financial Affairs from Mr. Kiefer.

Based on the facts specified above, staff recommends that the Commission find an apparent violation of RCW 42.17.240 by Alfred J. Kiefer, Jr. by failing to timely file a Statement of Financial Affairs by April 15, 2004. Based on these findings and its limited penalty authority, the Commission is urged to refer the matter to the Office of the Attorney General for appropriate action, including seeking a court order compelling Mr. Kiefer to file the disclosure reports required by RCW 42.17.240.